

ORDINANCE NO. 12-

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTIONS 122-1016, 122-1017, 122-1018, AND 122-1020 TO PROVIDE FOR CLARIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the land development regulations in accordance with certain procedures and criteria; and

WHEREAS, the Planning Department initiated the proposed amendments to the ordinance more clearly defines language related to the PS zoning district regulations; and

WHEREAS, the Planning Board held a noticed public hearing on March 15, 2012, where based on the consideration of recommendations by the City planner, City attorney, and public testimony and input, and recommendation of the Planning Department, recommended approval of the proposed amendments;

WHEREAS, the City Commission held a noticed public hearing on _____ and in its deliberations considered the criteria identified in section 90-521 of the Code of Ordinances;

WHEREAS, the City determined that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated

by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 122 of the Code of Ordinances is hereby amended as follows*:

Sec. 122-1016. Intent.

- (a) The purpose and intent of the public and semipublic services district (PS) is to provide a management framework for implementing comprehensive plan policies for areas located outside of Old Town which are designated "PS" or "M" on the future land use map. All public and semipublic services developed shall comply with the Comprehensive Plan, performance criteria in Chapter 102; Articles III, IV, V and VII of Chapter 108; Section 108-956; and Article II of Chapter 110, as well as other applicable land development regulations.
- ~~(b) The PS district shall accommodate existing public and semipublic services including the following:~~

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

- ~~(1) Governmental administration buildings;~~
- ~~(2) Public schools and not-for-profit educational institutions;~~
- ~~(3) Hospital facilities and supportive health care units;~~
- ~~(4) Arts and cultural or civic facilities;~~
- ~~(5) Essential public services and facilities;~~
- ~~(6) Military uses within the city's cemeteries;~~
- ~~(7) The city landfill;~~
- ~~(8) Fire and emergency operation facilities;~~
- ~~(9) Public and private parks and recreation areas;~~
- ~~(10) Utilities;~~
- ~~(11) Extensive open areas comprising major committed public and semipublic open spaces; and~~
- ~~(12) Other similar activities.~~

(c) ~~The PS district shall also accommodate places of worship, cultural or civic centers, and other similar public or private not-for-profit uses if the respective use satisfies the substantive and procedural conditions of the land development regulations.~~

(b) Development plans for sites within the PS district shall provide sufficient acreage and open space and shall be properly screened and buffered in order to minimize potential adverse impacts on adjacent land uses. The maximum intensity of public and semi-public institutional structures and buildings activity on lands designated "PS," measured in terms

of floor area ratio (FAR), shall not exceed eight-tenths (0.8), including floor area allocated to all uses. The maximum floor area ratio for structures and buildings accessory to principal uses recreation and open space both active and passive parks and recreation shall be two-tenths (0.2).

(Ord. No. 97-10, § 1(2-5.6(A)), 7-3-1997)

Sec. 122-1017. Uses Permitted.

Uses permitted in the public and semipublic services district (PS) are as follows:

- (1) Community centers, clubs and lodges.
- (2) Educational institutions and day care.
- (3) Golf course facilities.
- (4) Hospitals and supportive care facilities.
- (5) Nursing homes, rest homes and convalescent homes.
- (6) Parks and recreation, active and passive.
- ~~(7) Places of worship.~~
- (7) Business and professional offices.
- (8) Medical services.
- (9) Parking lots and vehicular storage facilities.
- (10) Veterinary medical services with or without outside kennels.
- (11) Government operated transit facilities.
- (12) Governmental administration buildings;
- (13) Essential public services and facilities inclusive of but not limited to; drainage facilities, and emergency services; i.e. staging areas responsive to declared emergency, with the exception

of shelters for the homeless, which are regulated as a conditional use;

(14) Non-recreational open spaces;

(15) Temporary storage, for less than six (6) months, of construction materials and debris generated by storms or other natural disasters;

(16) Other similar activities such as uses critical to government function, uses for essential public services, uses to serve social and cultural needs not otherwise listed;

(17) Government maintenance facilities and garages.

(Ord. No. 97-10, § 1(2-5.6(B)), 7-3-1997; Ord. No. 00-04, § 12, 2-1-2000; Ord. No 07-18, § 1, 12-4-2007)

Sec. 122-1018. - Conditional Uses.

Conditional uses in the public and semipublic services district (PS) are as follows:

(1) Emergency shelters for the homeless, and shelters for temporarily housing the homeless which meet the following minimum standards for development review, site development and operation:

a. Fencing - the entire site shall have a six foot opaque fence on all sides.

b. Landscape Buffer - A minimum of a five foot wide "D" buffer as specified in section 108-347(c).

c. Security lighting on the perimeter of the site and upon the interior of the fenced premises which shall be

designed to "Dark Sky" lighting standards to protect adjacent residential uses.

- d. Onsite security personnel licensed by the state of Florida for such role and activity provided by the operator of the facility during the hours of operation inclusive of nighttime or any time when clients of the facility are present.
- e. An outdoor day-time congregation area inside the grounds of the site large enough to accommodate the maximum client population of the facility to prevent waiting and congregating off site.
- f. On site facilities:
 - i. Sleeping facilities for 100% of the maximum client population;
 - ii. Dining facilities for at least 50% of the maximum client population;
 - iii. Shower and toilet facilities in a quantity necessary to serve the maximum client population;
 - iv. Intake and counseling offices;
 - v. Storage for client personal effects, food, sleeping linens, miscellaneous support materials;
 - vi. A loading zone and bus parking area.
- g. All shelters for the homeless or for temporary housing the homeless shall undergo review as a major development plan and meet the requirements of Section 108-92 et.sq

- (2) Cemeteries.
 - (3) Cultural and civic activities, inclusive of museums, theatres and stadiums.
 - (4) Protective services.
 - (5) Public and private utilities.
 - (6) Funeral homes and crematoriums.
 - (7) Marinas.
 - (8) Restaurants and food service facilities associated with recreational activities.
 - (9) Solid waste and recycling transfer and storage facilities.
- (Ord. No. 97-10, § 1(2-5.6(C)), 7-3-1997)

Sec. 122-1020. - Dimensional requirements.

The dimensional requirements in the public and semipublic services district (PS) are as follows:

- (1) Maximum density: not applicable; except where the capacity of transitional housing with supportive services shall be evaluated in terms of Floor Area Ratio, only.
- (2) Maximum floor area ratio: Outside the historic districts, as designated on the future land use map, the maximum floor area ratio for all public and semi-public institutional structures and buildings services shall ~~be~~ not exceed eight-tenths (0.8), except for structures and buildings accessory to principal uses and both active and passive parks and recreation and open space, which shall have a maximum floor area ratio of two-tenths (0.2).

- (3) Maximum height: 25 feet.
- (4) Maximum lot coverage:
 - a. Maximum building coverage: 40 percent.
 - b. Impervious surface ratio: ~~50 percent.~~ 60 percent
- (5) Minimum lot size: 5,000 square feet:
 - a. Minimum width: 50 feet.
 - b. Minimum depth: 100 feet.
- (6) Minimum setbacks for principal structures:
 - a. Front: 20 feet.
 - b. Side: 15 feet.
 - c. Rear: 20 feet or 15 feet when abutting an alley.
 - d. Street side: 15 feet.
- (7) Minimum Setbacks for active and passive recreational uses:
 - a. Front: 10 feet.
 - b. Side: 10 feet.
 - c. Rear: 10 feet.
 - d. street Side: 10 feet.

(8) Additional regulations: Required street landscape buffers may be reduced to the setbacks enumerated in subsection (7) above when the principal and only use is passive and active recreation defined in chapter 86, Section 86-9, Definitions.

(Ord. No. 97-10, § 1(2-5.6(E)), 7-3-1997)

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the

remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2012.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2012.

Filed with the Clerk _____, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK